



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,563	01/26/2004	Darren Ronald Boisjolie	69448-00020USPT	4037
61060	7590	09/02/2009	EXAMINER	
WINSTEAD PC P.O. BOX 50784 DALLAS, TX 75201			DANG, THANH HA T	
			ART UNIT	PAPER NUMBER
			2163	
			MAIL DATE	DELIVERY MODE
			09/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/766,563	Applicant(s) BOISJOLIE ET AL.	
	Examiner Thanh-Ha Dang	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-50 is/are pending in the application.
- 4a) Of the above claim(s) 1-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/27/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. New Claims 29-50 are rejected in this Office Action.
2. Applicants cancelled Claims 1-28.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/09/09 has been entered.

Information Disclosure Statement

4. The Information Disclosure Statement filed on 04/27/09 has been considered.

Response to Amendment

5. Receipt of Applicant's Amendment filed 06/09/09 is acknowledged.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2163

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 29-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,222,157 issued to Sutton, Jr. et al. ("Sutton") and further in view of US Patent No. 6,052,709 issued to Sunil Paul ("Paul").

As to **Claim 29**, *Sutton teaches* a method comprising: for each of a plurality of electronic devices, in real time:

- capturing substantially all digital data sent from a network to the electronic device before the digital data is provided to an application layer for presentation to a user of the electronic device (*Figures 1-2, column 7, lines 30-64, wherein storing all portions of the communication read on capturing claimed limitation*);

Art Unit: 2163

- receiving an indication from the at least one server of whether the captured digital data is illicit digital data or non-illicit digital data, the indication resulting at least in part from the content-rating service (*Figures 1-2 (block230), column 7, lines 41-44*); and
- blocking the illicit digital data from delivery to the application layer (*column 9, lines 33-38*).
- *Sutton does not explicitly teach* delaying delivery of the digital data to the application layer on the electronic device at least until the digital data is designated non-illicit by a backend system on the network, the backend system comprising at least one server, the at least one server providing a content-rating service for rating illicitness of digital data. However, *Paul teaches* delaying delivery of the digital data to the application layer on the electronic device at least until the digital data is designated non-illicit by a backend system on the network, the backend system comprising at least one server (*Figure 1 block120/121/122*), the at least one server providing a content-rating service for rating illicitness of digital data (*Figures 1-2 and 5-6, column 3, lines 52-62; column 7, lines 1-14; column 8, lines 44-54; Figures 2, 4-6, column 6, lines 49-52, wherein the filter204 read on the content-rating service, wherein the filter204 may use multiple display codes indicating multiple status levels of JUNK, wherein multiple status levels read on the rating claimed limitation*). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine method for controlling delivery of unsolicited electronic mail teaching of Paul with identification and filtration of digital

communications teaching of Sutton to provide method and system which efficiently identifies, controls and prevents unsolicited electronic messages delivery to the users (Paul, column 1 lines 43-49).

As to **Claim 30**, *Sutton in combination with Paul teaches* comprising, for each of the plurality of electronic devices, in real time, allowing delivery of the non-illicit digital data to the application layer for presentation to the user of the electronic device (*Sutton, Figure 1 and Figure 4 block450, column 7, lines 1-3*).

As to **Claim 31**, *Sutton in combination with Paul teaches* comprising, for each of the plurality of electronic devices, in real time, capturing substantially all requests for digital data over the network by the electronic device (*Sutton, Figures 1-2, column 7, lines 30-64 wherein storing all portions of the communication read on capturing claimed limitation*).

As to **Claim 32**, *Sutton in combination with Paul teaches* comprising: for each of the plurality of electronic devices, concurrently routing:

- information relating to at least some of the captured requests for digital data to the at least one server providing the content-rating service (*Sutton, Figure 1 block132, column 5, lines 10-13; and Figure 4 block450, column 7, lines 1-3*); and
- the at least some captured requests to intended destinations on the network (*Sutton, Figures 1 and 4 block450, column 7, lines 1-12*).

As to **Claim 33**, *Sutton in combination with Paul teaches* wherein at least some of the captured digital data is digital data received at the electronic device as a result of the step of routing the information relating to at least some of the

captured requests for digital data to the intended destinations (*Sutton, Figure 2, column 7, lines 30-64*).

As to **Claim 34**, *Sutton in combination with Paul teaches* wherein at least some of the captured digital data is digital data received at the electronic device independent of the routing step (*Sutton, Figures 1 and 2, wherein block220 read on the captured digital data which is independent of the routing step illustrated in Figure 4 block450*).

As to **Claim 35**, *Sutton in combination with Paul teaches* comprising, on the at least one server, rating the digital data for illicitness using a word-by-word analysis of the digital data (*Paul, column 6, lines 55-58*).

As to **Claim 36**, *Sutton in combination with Paul teaches* further comprising, responsive to the rating step, storing a rating and identification information for the rated digital data together in a content database in communication with the at least one server (*Paul, Figure 5, column 9, lines 10-13*).

As to **Claim 37**, *Sutton in combination with Paul teaches* comprising, for each of the plurality of electronic devices, sending an authentication signal to the backend system, the authentication signal providing validation information indicating whether the electronic device corresponds to a valid user account (*Sutton, column 4, lines 5-23, wherein the digital signature for all or part of the communication read on the authentication signal claimed limitation*).

As to **Claim 38**, *Sutton in combination with Paul teaches* further comprising, for each of the plurality of electronic devices, filtering communication between the

electronic device and the network for personal information (*Paul, column 9, lines 17-21*).

As to **Claim 39**, *Sutton in combination with Paul teaches* further comprising, for each of the plurality of electronic devices, filtering communication between the electronic device and the network for explicit requests for illicit content (*Paul, column 7, lines 15-21*).

As to **Claim 40**, *Sutton in combination with Paul teaches* wherein the electronic device comprises at least one of: a personal computer; a set-top box; a router; and a gateway (*Sutton, Figure 1, column 4, lines 37-43*).

As to **Claim 41**, *Sutton in combination with Paul teaches* further comprising transmitting configuration settings to the electronic device corresponding to the valid user account (*Paul, Figure 5, column 8, lines 24-32*).

As to **Claim 42**, *Sutton in combination with Paul teaches* wherein at least some of the digital data comprises an instant message en route to an instant messaging application on the electronic device (*Sutton, Figures 1 and 6, column 2, lines 2-3*).

As to **Claim 43**, *Sutton in combination with Paul teaches* wherein at least some of the digital data comprises an email message en route to an email application on the electronic device (*Sutton, Figures 1 and 6, column 2, lines 2-3*).

As to **Claim 44**, *Sutton in combination with Paul teaches* further comprising, for at least one of the electronic devices, rating the digital data for illicitness utilizing a content-rating module on the electronic device (*Paul, Figures 2, 4-6, column 6, lines 49-52, wherein the filter204 read on the content-rating module,*

wherein the filter204 may use multiple display codes indicating multiple status levels of JUNK, wherein multiple status levels read on the rating claimed limitation).

As to **Claim 45**, *Sutton in combination with Paul teaches* comprising, for at least one of the plurality of electronic devices:

- transmitting information related to the captured digital data to a reporting server (*Sutton, Figures 7-10 block1015, column 14, lines 7-35*); and
- on the reporting server, logging network activities of the user of the electronic device via the information related to the captured digital data (*Sutton, Figures 7-10 block1015, column 14, lines 7-35*).

As to **Claim 46**, *Sutton in combination with Paul teaches* comprising: on the reporting server, for the at least one of the plurality of electronic devices:

- generating a report summarizing illicitness of network activities of the user of the electronic device for a predetermined time period (*Sutton, Figures 7-10 block1015, column 14, lines 7-35*); and
- transmitting the report over the network to a third party (*Sutton, Figures 7-10 block1015, column 12, lines 32-37*).

As to **Claim 47**, *Sutton in combination with Paul teaches* comprising:

- wherein the at least one of the plurality of electronic devices comprises more than one electronic device (*Paul, Figure 1 block120-122, block130-138, column 3, lines 61-62*);

Art Unit: 2163

- generating a multi-user report summarizing illicitness of network activities of each user of the more than one electronic device for a predetermined time period (*Sutton, Figure 9, column 12, lines 38-67; column 13, lines 1-67; and column 14, lines 1-6*); and
- transmitting the multi-user report over the network to a third party (*Sutton, Figures 7-10 block1015, column 12, lines 32-37*).

As to **Claim 48**, *Sutton in combination with Paul teaches* comprising, for at least one of the plurality of electronic devices:

- delaying delivery of the digital data to the application layer on the electronic device at least until the digital data is designated non-malicious by the backend system (*Sutton, column 13, lines 9-15, wherein the e-mail may be held for further review read on the delaying delivery claimed limitation*);
- receiving an indication from the backend system on whether the digital data is malicious or non-malicious (*Sutton, Figures 5 and 9, column 12, lines 51-67 and column 13, lines 1-8, wherein spam, unsolicited read on malicious claimed limitation*); and
- blocking the digital data deemed to be malicious (*Sutton, Figure 9, column 9, lines 33-38*).

As to **Claim 49**, *Sutton in combination with Paul teaches* comprising, for at least one of the plurality of electronic devices:

Art Unit: 2163

- receiving an indication from the backend system that at least one of the captured requests for digital data represents an unauthorized intrusion on the electronic device (*Sutton, Figures 6 and 9, column 13, lines 46-52*); and
- denying the at least one of the captured requests for digital data (*Sutton, Figure 9 wherein blocking unsolicited e-mail from receiving system read on denying claimed limitation*).

As to **Claim 50**, *Sutton teaches* a method comprising:

- capturing, on an electronic device, substantially all requests for digital content over a network (*Figures 1-2, column 7, lines 30-64, wherein storing all portions of the communication read on capturing claimed limitation*);
- receiving, on the electronic device, an indication from the at least one server of illicit or non-illicit for each of the at least some requests for digital content, the indication being at least partially based on the rating step (*Figures 1-2 (block230), column 7, lines 41-44*); and
- restricting presentation of any digital content for which the illicit indication is received to a user of the electronic device (*column 9, lines 33-38*).
- *Sutton does not explicitly teach* on the electronic device, concurrently routing: information relating to at least some of the captured requests for digital content to a backend system on the network, the backend system having at least one server providing a content-rating service; and the at least some captured requests to intended destinations on the network. However,

Paul teaches on the electronic device, concurrently routing (Figure 1 illustrates concurrently routing between block120/121/122 and block130-132,133-135,136-138):

- information relating to at least some of the captured requests for digital content to a backend system on the network, the backend system having at least one server providing a content-rating service (*Figure 5 wherein block504 read on the content-rating service, column 8, lines 15-26*); and
- the at least some captured requests to intended destinations on the network (*Figures 1-2 and 5-6, column 6, lines 27-30*);
- on the at least one server on the backend system (*Figure 1 block120/121/122*), rating the digital content being requested in the at least some of the requests for digital content using the content-rating service (*Figures 1-2 and 5-6, column 3, lines 52-62; column 7, lines 1-14; column 8, lines 44-54; Figures 2, 4-6, column 6, lines 49-52, wherein the filter204 read on the content-rating module, wherein the filter204 may use multiple display codes indicating multiple status levels of JUNK, wherein multiple status levels read on the rating claimed limitation*). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine method for controlling delivery of unsolicited electronic mail teaching of Paul with identification and filtration of digital communications teaching of Sutton to provide method and system which efficiently identifies, controls and

prevents unsolicited electronic messages delivery to the users (Paul, column 1 lines 43-49).

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon in form PTO-892 if any is considered pertinent to applicant's disclosure.

Response to Arguments

8. Applicant's cancelled claims 1-28 and amended with all new claims 29-50, and therefore necessitated the new grounds of rejection presented in this Office action. Thus, the arguments are moot in view of the new grounds of rejection presented.

Examiner Remarks

9. In the Spirit of Compact Prosecution, Applicant is recommended to contact the Examiner for an interview to discuss the novelty and usefulness of the inventive concepts that the instant application is intended to focus on. Applicant may, optionally without an interview, amend the claims to further direct the claims toward Applicant's particular inventive concept with its novelty and usefulness.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Ha Dang whose telephone number is 571-272-4033. The examiner can normally be reached on Monday-Friday from

Art Unit: 2163

9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thanh-Ha Dang
Examiner, AU 2163
August 27, 2009

/Hung T Vy/
Primary Examiner, Art Unit 2163